

HOUSE BILL 2760

By Bibb

AN ACT to amend Tennessee Code Annotated, Title 13,  
Chapter 3; Title 13, Chapter 4 and Title 13,  
Chapter 7, relative to public planning.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-3-301(b), is amended by adding after the phrase "urban development" and before the semicolon the language “, and the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur”.

SECTION 2. Tennessee Code Annotated, Section 13-3-302, is amended by deleting the period at the end of the section and adding the following:

, and will avoid scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 3. Tennessee Code Annotated, Section 13-3-303, is amended by adding the following after the second sentence of the section:

Prior to the adoption of the plan or any part, amendment or addition thereto, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption is to be first considered.

SECTION 4. Tennessee Code Annotated, Section 13-3-304, is amended by adding the following at the end of the section:

Once the planning commission of the region or the municipality has adopted and

certified the general regional plan, the planning commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the legislative body's consideration and adoption of the general regional plan. The county legislative body by resolution or the municipal legislative body by ordinance may adopt the general regional plan or in the case of the municipality their element of the plan as certified by the planning commission. Prior to the adoption of the general regional plan or amendment thereof by a legislative body, the legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption or amendment is to be first considered. If the legislative body adopts the general regional plan in the form of an ordinance by the municipality or a resolution by the county, then any land use decisions thereafter made by the legislative body or planning commission must be consistent with the general regional plan. The general regional plan can be amended only upon recommendation by and certification of the amendment by the planning commission and adoption of that recommendation by the legislative body. The general regional plan may be adopted as an element of the jurisdictions' growth plan through the process established in Title 6, Chapter 58, but if the regional general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of Title 6, Chapter 58.

SECTION 5. Tennessee Code Annotated, Section 13-3-403(a), is amended by deleting the period at the end of the subsection and adding the following language:

or would be located in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 6. Tennessee Code Annotated, Section 13-4-201, is amended by adding after the phrase "the physical development" and before the comma in the second sentence the language "of the area of the municipal planning jurisdiction and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur".

SECTION 7. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following after the first sentence:

Prior to the adoption of the plan or any parts or parts thereof by the commission, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the meeting in which the adoption is to be first considered.

SECTION 8. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following to the end of the section:

Once the commission has adopted the general plan or amendment thereof for the planning jurisdiction of the commission, the commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the consideration and adoption of the general plan by the legislative body of the municipality and in the case of a municipal regional planning commission by the county legislative body for the area outside the municipal boundary limits but within the county. The municipal legislative body by ordinance may adopt the general plan as certified by the planning commission and the county legislative body by resolution may adopt the elements of the plan within the jurisdiction of the county legislative body as certified by the planning commission. Once adopted by the legislative body, the general plan can only be amended upon recommendation by and certification

of the amendment by the planning commission and adoption of that recommendation by the legislative body. Prior to the adoption of the general plan or amendment thereof, a legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the legislative body's meeting in which the adoption or amendment is to be first considered. After the adoption of the general plan by a legislative body, any land use decisions thereafter made by that legislative body and the respective planning commission must be consistent with the plan. The general plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

SECTION 9. Tennessee Code Annotated, Section 13-4-203, is amended by deleting the period at the end of the section and adding the following language:

, and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur .

SECTION 10. Tennessee Code Annotated, Section 13-4-303(a), is amended by deleting the period at the end of the subsection and adding the following language:

, and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 11. Tennessee Code Annotated, Section 13-7-101(a) (1), is amended

by deleting the period at the end of the first sentence and adding the following language:

, and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 12. Tennessee Code Annotated, Section 13-7-102, is amended by adding after the phrase "water supply conservation or other purposes," in the first sentence the following:

and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur,

SECTION 13. Tennessee Code Annotated, Section 13-7-103, is amended by deleting the period at the end of the section and adding the following language:

, and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 14. Tennessee Code Annotated, Section 13-7-201 (a)(1), is amended by deleting the period at the end of the first sentence and adding the following language:

, and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined are necessary in order for development to occur.

SECTION 15. Tennessee Code Annotated, Section 13-7-202, is amended by adding after the phrase "public activities and other purposes," in the first sentence the following:

and for the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur,

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.